

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MONADNOCK CONSTRUCTION, INC.

Plaintiff,

-against-

WESTCHESTER FIRE INSURANCE COMPANY,

Defendant.

INITIAL SCHEDULING ORDER

16-CV-420 (JBW) (VMS)

Upon consent of the appearing parties and their counsel, it is hereby **ORDERED** as follows:

- 1) Defendant(s) shall answer or otherwise move with respect to the complaint by April 15, 2016.
- 2) Automatic disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure must be completed by May 2, 2016, if not yet completed.
- 3) Initial document requests and interrogatories will be served no later than May 15, 2016. If the parties intend to issue interrogatories, they will serve no more than 25 interrogatories. The parties are aware that the presumptive cap on the number of interrogatories is 25, including subparts.
- 4) No additional parties may be joined after June 15, 2016. By this date, the parties may either stipulate to the addition of new parties or commence motion practice for joinder in accordance with the Individual Rules of the District Judge assigned to this case.
- 5) No amendment of the pleadings will be permitted after June 15, 2016 unless information unknown to the parties by this date later becomes available to them. By

this date, the parties may either stipulate to the amendments of the pleadings or commence motion practice for leave to amend the pleadings in accordance with the Individual Rules of the District Judge assigned to this case.

- 6) Fact discovery closes September 30, 2016.
- 7) As to expert disclosures,
 - a) The names, qualifications, and area(s) of expertise of initial experts shall be served on or before September 30, 2016.
 - b) Initial expert witness reports shall be served on or before November 15, 2016.
 - c) Rebuttal expert witness reports shall be served on or before December 15, 2016.
- 8) All discovery, including any depositions of experts, shall be completed on or before January 31, 2017.
- 9) On or before January 31, 2017, the parties must file on ECF a joint letter confirming that discovery is concluded.
- 10) Any dispositive motion practice must be commenced by February 28, 2017, within 30 days of the close of all discovery.

Parties must consult the Individual Rules of the District Judge assigned to this case to determine, inter alia, if a pre-motion conference letter is required before a dispositive motion is filed, whether a Local Rule 56.1 statement must be submitted with the motion and whether such a motion must be “bundled.”

- 11) A proposed joint pre-trial order must be filed (or if required by the District Judge, a scheduling date must be requested) by _____, within 60 days of the close of fact discovery.

This date is not stayed during any dispositive motion practice unless ordered by the District Judge assigned to this case or permitted by the District Judge’s Individual Rules.

- 12) Do the parties consent to trial before a magistrate judge pursuant to 28 U.S.C. § 636(c)?

- a) No X *Do NOT indicate which party has declined to consent.*
- b) Yes

- 13) A discovery status telephone conference/an in-person Status Conference is set for _____ at _____ a.m. _____ p.m. If a telephone conference is scheduled, the conference call will be arranged and initiated by Plaintiff or Defendant (circle one) to Chambers at 718 613 2300. A joint discovery status letter must be filed on ECF by _____ in preparation for the conference. *The Court will schedule these dates.*
- 14) A final pre-trial conference is set for _____. *The Court will schedule this date.*
- 15) The parties may wish to engage in settlement discussions. To facilitate this process, Plaintiff(s) agree(s) to make a demand on or before _____, and Defendant(s) agree(s) to respond to the demand on or before _____.

After the parties have exchanged a demand and response, the Parties may request a settlement conference by filing on ECF a letter that requests a conference and informs the Court of at least three dates when all counsel and all parties with decision-making authority (including, if necessary, insurance representatives) are available for an in-person conference. The parties will be required to submit an ex parte settlement statement letter a week before the conference.

- 16) Any additional matters:

This scheduling order may be altered or amended only upon a showing of good cause based on circumstances not foreseeable as of the date hereof.

Dated: Brooklyn, New York

VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE

CONSENTED TO BY COUNSEL:

Signature: /s/ Howard Kleinhendler
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Signature: /s/ John J. Sullivan
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(Additional counsel should provide the same information.)